




TO: All DWD Managers and Supervisors

FROM: Teresa L. Melton, 
General Counsel

DATE: October 26, 2005

SUBJECT: DWD Policy 2005-04
Tort Claim Procedures (Claims by Non-Employees for Accidents or Injuries to Person and/or Property)

PURPOSE: To inform all staff of the State of Indiana's policy and procedures for processing claims against the State under the terms of the Tort Claim Act, IC 34-13-3 et seq.

RESCISSION: DWD Communication # 2002-46
Issued April 30, 2003

CONTENT: Under the terms of the Tort Claims Act, a claim against the State for compensation or damages is barred unless the individual gives proper notice. The Office of the Attorney General created a form for this purpose – **STATE OF INDIANA CLAIM FOR PERSONAL INJURY OR PROPERTY DAMAGE**. This form is available on the Indiana Administrative Code website at <http://www.in.gov/legislative/iac/T00100/A00030.PDF>

Any person claiming injury or property damage allegedly attributable to an act or omission of DWD, who indicates a desire to be compensated for the loss, should be given a copy of this form to complete and mail as instructed by the form.

The filing of such claims is a legal process, and therefore must be done by the person making the claim. DWD personnel should NOT complete the form or offer advice concerning legal procedure. All necessary instructions are on the front and back of the form. If a completed form is left in a local office, please forward it immediately to Legal Support, Attn: General Counsel.

In addition, any personal injury or property damage incidents that involve non-employees should be reported to DWD Investigations and Security Division on the Incident Report form, whether or not the individual indicates a desire to file a tort claim. The Incident Report form and instructions may be found on DWITE, under "Forms," "Security."

Questions regarding this policy and its procedures should be addressed to Legal Support at (317) 232-0198.

EFFECTIVE DATE: Immediately

REVIEW DATE: March 28, 2007

OWNERSHIP: Legal Support

ACTION: All Managers and Supervisors are to advise staff of the procedures outlined in this policy.